

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CLARENCE POTTS,

Plaintiff,

vs.

Civil Case No.

10-CV-10228

CORRECTIONAL MEDICAL  
SERVICES, INC., ANKELA K.  
BROWN, and JASON Y. KIM,

HON. MARK A. GOLDSMITH

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING  
DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT (DKTS. 38, 42)**

This matter is presently before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Mona K. Majzoub, entered on December 8, 2011 (Dkt. 47). The Magistrate Judge recommends that the motion for summary judgment filed by Defendant Angela Brown (Dkt. 38) be granted, and that the motion for summary judgment filed by Defendants Jason Kim and Correctional Medical Facilities (Dkt. 42) be granted, and that Plaintiff’s complaint be dismissed. Plaintiff has not filed any objections to the R&R and the time to do so has expired. Thus, Plaintiff has waived any further right to appeal. Thomas v. Arn, 474 U.S. 140, 155 (1985). As the Magistrate Judge has noted in the R&R, Plaintiff has not properly exhausted his administrative remedies prior to bringing this suit under 42 U.S.C. § 1983. Plaintiff has also commenced a separate medical malpractice suit in state court addressing issues redundant to this complaint. The Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the correct reasons.

Accordingly, the Magistrate Judge's R&R (Dkt. 47) is accepted and adopted as the findings and conclusions of the Court. Defendants' motions for summary judgment (Dkts. 38, 42) are granted and Plaintiff's complaint is dismissed.

SO ORDERED.

Dated: February 14, 2012  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 14, 2012.

s/Deborah J. Goltz  
DEBORAH J. GOLTZ  
Case Manager